

North Carolina's Rural Consultation Process



January, 2004

**North Carolina Department of Transportation
Transportation Planning Branch**

In cooperation with:

**Rural Planning Organizations (RPOs)
Federal Highway Administration
Federal Transit Administration
NC Association of Counties
NC League of Municipalities
NC Council of Government**

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Glossary of Terms

AADT:	Average Annual Daily Traffic
BOT:	North Carolina Board of Transportation
CAA:	Clean Air Amendments
CMAQ:	Congestion Mitigation and Air Quality
COG:	Council of Government
DAQ:	Division of Air Quality (North Carolina)
EPA:	Environmental Protection Agency
FHWA:	Federal Highway Administration
ISTEA:	Inter-modal Surface Transportation Efficiency Act of 1991
LPA:	Lead Planning Agency
LPO:	Local Planning Organization
MPO:	Metropolitan Planning Organization
MTIP:	Metropolitan Transportation Improvement Program
NAAQS:	National Ambient Air Quality Standards
RPO:	Rural Transportation Planning Organization
RTIP:	Rural (Regional) Transportation Improvement Program
RTAC:	RPO Transportation Advisory Committee
RTCC:	RPO Technical Coordinating Committee
STIP:	State Transportation Improvement Program
TEA 21:	Transportation Equity Act for the 21 st Century

Introduction

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 and the Transportation Equity Act for the 21st Century (TEA-21) adjusted prevailing thoughts in U.S. transportation policy. Traditionally the national transportation policy focused on construction of the interstate system. The fundamental completion of the system in the 1990s signified a turning point in Federal transportation direction. In recent years, prominence has shifted to maintenance, operation, and preservation of the existing system, while still providing capacity and safety improvements in order to maintain mobility options, both for freight and passengers.

ISTEA and TEA-21 also placed increased emphasis on the planning process in making decisions about transportation investments. The process was broadened to include factors such as environmental sensitivity, inter-modal connectivity, and economic impacts. The metropolitan planning process, in existence since the 1960s, was strengthened through increased emphasis on the role of metropolitan planning organizations as the forum for metropolitan decision making. For the first time, a statewide planning process was required under ISTEA. This process is to coordinate metropolitan planning throughout a given State, as well as undertake a statewide planning process that includes non-metropolitan (rural) areas.

While states are ultimately responsible for statewide transportation planning, TEA-21 specified a role for rural officials in the statewide transportation planning process. The 23 CFR 450 requires states to consult with rural local officials as they develop their statewide transportation plan and the statewide transportation improvement program. Conversely, rural areas are to work with States on transportation issues affecting their communities, rather than receiving information about transportation plans and improvements after they are made. This requirement will give local officials a greater role in influencing transportation decisions for their communities. In consulting with rural local officials, states are to confer with them in accordance with a process that will be established and put in place by each state.

Background

North Carolina is the 29th largest state in land area, 11th largest state in population, and 17th most densely populated. However, approximately 40 percent of North Carolina's population, and 80 percent of the land, is non-urban. Approximately 80 percent of the North Carolina's road miles are rural.

North Carolina's government is complex with 100 counties (a large number compared to many other states), 527 municipalities and one federally recognized Indian Tribe (Cherokee Indian Reservation).

North Carolina has 17 regional Council of Governments (COGs) that cover 100 percent of the state, 17 Metropolitan Planning Organizations (MPOs) and 20 Rural Planning Organizations (RPOs). These regional units help to coordinate transportation activities with other local governments and play a direct role in rural transportation planning and programs. Of North Carolina's 99,787 miles of public roads, approximately 78 percent are state-controlled and maintained, while two percent are federal. Of the total miles of non-federal rural roads, 93 percent are State, none are County, none are Township, and 7 percent are municipal.

Rural Consultation Process Development

The goal is to develop a formal and comprehensive consultation process that will benefit the rural constituency and the North Carolina Department of Transportation. To accomplish this objective, the following steps were taken:

1. Established a Working Group including members of the Rural Planning Organizations (RPOs), Federal Highway Administration (FHWA), and the North Carolina Department of Transportation (NCDOT).
2. Clarified and resolved work tasks, technical approaches, or work products with the Working Group. Finalized and agreed upon the steps in the process before proceeding.
3. Developed a survey to be sent to 100 randomly selected rural officials to gauge the state of the current consultation process as well as soliciting their ideas and suggestions to be incorporated in the development of the consultation process.
4. *North Carolina's Strategic Plan for Transportation* and the *Findings and Recommendations of the Smart Growth Commission* were explored to examine and incorporate the State's transportation policies and vision for the development of the Rural Consultation Process.

North Carolina's Rural Consultation Process

North Carolina's newly chartered Rural Planning Organizations (RPOs) are the most appropriate government entities to facilitate the rural consultation process.

In July 2000, The North Carolina General Assembly ratified Senate Bill 1195 that established RPOs to plan for rural transportation systems and advise NCDOT on rural transportation policy. RPOs are voluntary organizations made up of local officials and other representatives of local transportation systems. A mutually adopted Memorandum of Understanding (MOU) will be used to form and develop the RPO. The MOU will outline the proposed planning area, membership, functions, and the responsibilities of the

RPO. MOUs can define any additional responsibilities that the parties agree to include. The participation and role of local elected officials will be determined by the MOU. It is the intent of the RPO Legislation that the MOUs be as flexible as possible to address the unique needs and interests of each individual RPO.

The four general areas of responsibility for RPOs are:

- Developing, in cooperation with the North Carolina Department of Transportation, long range local and regional multi-modal transportation plans
- Providing a forum for public participation in the transportation planning process
- Developing and prioritizing suggestions for projects that the organization believes should be included in the State's TIP
- Providing transportation related information to local governments and other interested organizations and persons

Utilizing the existing RPOs as the forum for the development and implementation of Rural Consultation Process will provide NCDOT with an excellent opportunity to empower the RPOs to carry out the transportation planning and implementation. North Carolina's Consultation Process will include the following:

Consultation in Transportation Planning

1. Statewide Planning
2. Non-Metropolitan Planning
3. Metropolitan Planning
4. Transportation Conformity

Consultation in Program Development and TIP

1. Funding, Programming and Transportation Improvement Program (TIP)

Consultation in Project Development Process

1. Local Planning Organization (MPO or RPO) Partnership Procedure
2. Merger 01 Process

Consultation in Transportation Planning

1. Statewide Transportation Planning

The public outreach approach presented in this section has served the department well and will be a model to use for future updates of the Statewide Plan.

Federal law requires each state and their MPOs to develop an up-to-date Statewide Transportation Plan. The plan should look at least 20 years into the future, be financially realistic, consider all modes of travel and how they connect, examine freight movement as well as passenger mobility, and inform and involve the public. In developing the statewide transportation plan, affected local officials with responsibility for transportation shall be involved on a consultation basis for the portions of the plan in non-metropolitan areas of the State.

NCDOT and a team of consultants are currently in the final stage of updating North Carolina's Statewide Transportation Plan. Rural local officials were consulted, engaged and solicited in the following ways:

Regional Forums

One of the key components of the public involvement process for the Statewide Multi-modal Transportation Plan update has been the development of Regional Forums. NCDOT and the consultant team have facilitated two rounds of Regional Forums across the State. The goal of these meetings has been to introduce the project in simple terms including such elements as: Plan Goals and Objectives; connection to the Strategic Plan; explanation of Plan elements and technical analysis, explanation of how local official/public input and feedback would be utilized, and to gauge public's perception for how future investments should be prioritized to meet growing needs in the transportation system.

Regional Forums were held in seven locations (urban and rural areas across the State) for a total of 14 locations. Forums were held during both the afternoon and evening hours and the structure and content of these meetings was aimed at attracting the interest of stakeholders who have a vested interest in transportation. The general format and structure for these forums was similar during each round.

Each Forum was co-sponsored by a local partner (Metropolitan Planning Organizations, Rural Planning Organizations, City/County Governments, or Regional Planning Authorities) who helped to provide venues and adequate meeting facilities for interested citizens. Each Forum began with a welcome from the local partner, followed by a brief presentation/overview, followed by breakout groups, and concluding with comments/conclusions from the breakout sessions. The forum structure was interactive

and provided participants with the opportunity to work with peers, ask questions, and exchange ideas. Rural officials were invited to each round of Forums and some even hosted a Forum in the 2nd round.

Statewide Transportation Summit

NCDOT, along with assistance from the consultant team, held a one-day Statewide Transportation Summit at the McKimmon Center in Raleigh, NC. The purpose of this Summit was to gather a broad cross-section of stakeholders (including elected officials, transportation professionals, economic development supporters, environmental advocates, health and human service providers, local government staff, business community) from across the state to consider how investments should be prioritized to meet future infrastructure needs. The Summit prompted timely discussion of issues related to state/federal funding formulas, need for a prioritized, focused investments of transportation dollars, differing needs in rural vs. urban areas, and strengthening the tie between land use and transportation.

Participants were also educated about tradeoffs associated with investment decision-making and the challenge NCDOT faces to manage an extensive system with limited resources. A representative from each RPO was invited to attend the Summit. Summit format was similar to Regional Forums in that it started with a presentation/overview, invitees were broken into groups, and the day concluded with a summary of concerns/overarching issues.

RPO Presentations

Presentations at RPO Training Workshops and when requested -- Presentations have been made on the Statewide Plan progress at the RPO training workshops in the past year and presentations given to individual RPOs upon request.

2. Rural (Non-Metropolitan) Transportation Planning

This task will result in an agreed upon list of transportation goals and objectives for the RPOs. These goals and objectives will be used to evaluate transportation alternatives being considered in the development of the RPO's Transportation Plan. North Carolina has one Tribal Community (Cherokee Indian Reservation) and they will be included with the RPO process. The following planning activities will detail the required elements for the development of transportation plans:

Vision, Goals and Objectives

Transportation planning starts with a vision and an effort to establish overarching policy goals for the transportation system. These goals provide the overall umbrella under which the transportation system is operated, maintained and developed. To be useful the goals should be specific enough to guide the development of the plan but not too inflexible to respond to changing conditions and priorities. Success factors for the development of policy goals and objectives include:

- Roles should be specified in terms of who will be making the policy decisions and whether those roles are advisory or decision making.
- Goals and objectives should have sufficient specificity to guide plan development
- Goals and Objectives should be tied to action and be meaningful to stakeholders/customers

Most rural areas will have different priorities and, therefore, different goals and objectives. The important issue is that they are developed in a consultative manner, are measurable and are used to guide the transportation plan development. These visionary goals form the overall umbrella for the direction of the transportation plan in terms of plan priorities.

Planning Area Boundary (the Study Area)

Planning Area Boundary designates the exact area that will be studied. This is necessary for collection of data (traffic, socio-economic data, route inventory, etc.) and deficiency analysis. The planning area boundary in most urban areas (small and large) is the area to be developed and have urban character within the 20-25 years horizon. In rural areas the planning area could be a municipality, one county, several counties, the entire RPO or even a multi-RPO/MPO region.

Existing Conditions, Planning Assumptions and Data, Land Development Plan

This section presents the existing conditions of the transportation system for the planning area in terms of:

- Roadways (road and bridge condition, traffic volumes, capacity, safety, and other criteria)
- Multi-modal Public Transportation (transit, school bus, emergency service routes and facilities by air and water)
- Non-motorized transportation (bicycle and pedestrian pathways)
- Land use and population consideration, plans and programs of other agencies and jurisdictions, and countywide policies

Traffic Forecast, Develop Multi-modal Transportation Plan

Plans are future oriented. While they typically respond to a backlog of needs, plans should address future conditions and provide adequate recommendation to address present and future needs. In rural areas, simple approaches could be used to forecast future conditions. There are a number of ways to estimate travel demand for rural communities. These range from simple techniques such as historic trend analysis to more complex computer models that require large databases. Simplified demand estimation techniques and analysis are appropriate in most rural planning situations.

This section represents historic traffic trends, population and land use trends, population and demographic projections, population and employment distribution, future land use scenario, future traffic projections and trends.

Alternative Strategies Evaluation

The alternative analysis and evaluation section presents the determination of needs based upon existing conditions and traffic. It forecasts the evaluation of alternatives for traffic, safety, level of service, and congestion, environmental impacts, financing, community support, and consistency with plans of other agencies and jurisdictions.

Coordination and the Public Involvement Process

The coordination and public participation component of the regional transportation plan provides the opportunity for local officials and citizens to become more involved in and better understand the process used in the development of transportation projects, both in their region and across the state. Early identification of issues and problems and cooperative solution-building efforts can reduce conflicts later in the transportation project development process.

Plan Development (Recommendations and Priorities)

This section presents recommendations for a prioritized set of improvements to the area transportation system including: new corridors, road widening, spot/intersection improvement, realignment and channelization, new traffic control or signalization, shoulder improvement, paving, bridge replacement, bicycle and pedestrian improvement, transit and transit facilities, and land use/transportation integration.

Plan Adoption

Once a transportation plan is developed the RPO and NCDOT following the required public involvement procedures will mutually adopt the plan.

The Financing Element of the Plan

The financing section provides cost estimates for identified improvements, potential financing options, reassessment of the identified improvements based upon financial constraint, and the two year transportation improvement program (TIP) for the area.

Plan Implementation

For a plan to be successful it must be implemented effectively and progress against plan objectives monitored, this provides the feedback loop. Transportation planning includes continually monitoring the performance of the transportation system and ensuring that plans are being implemented to meet the intended objectives. Many transportation plans have failed because they lacked an effective implementation plan and monitoring mechanism that are required to “keep the plan alive” and ensure that the plan guides and shapes transportation decisions in the future.

Opportunities for local official's involvement in the transportation planning:

♦ indicates local official and/or public participation opportunities

Study Initiation

- ♦Meet with RPO/local policy boards and technical staff
- ♦Conduct goals and objectives survey
- ♦Establish local steering committee (upon local request)

Data Collection

- Collect socio-economic data (land use, population, and employment data)
- Collect transportation network data (traffic volumes, lane width, speed, etc.)
- Research environmental and cultural concerns
- ♦Receive input from various local area sources (needs, problems, concerns, etc.)
- ♦Local area/RPO develops future year socio-economic forecasts

Data Analysis

- Model /analyze existing transportation network
- Generate /forecast design year transportation information
- Conduct deficiency analysis

Discuss Findings with Local Area Policy Boards, Technical Staff, and Public

- ♦Discuss deficiencies with RPO/local area staff and policy board
- ♦Discuss possible alternative solutions

Plan Development

- Develop alternative plans
- Assess project impacts
- Conduct cost-benefit analyses
- ♦Discuss alternatives with RPO/local area staff and policy boards
- ♦Conduct public information workshop(s)
- Discuss and resolve public comments with RPO/local staff
- ♦Select recommended plan in cooperation with RPO/local staff and policy boards

Plan Adoption

- ♦RPO/local government officials conduct public hearing(s)
- ♦Present plan for adoption by RPO and the North Carolina Board of Transportation

Plan Implementation

- ♦Local government enforces land use controls
- ♦RPO/local governments pursue policies
- ♦Local officials/RPO present project requests through TIP process

3. Metropolitan Planning

There are currently 17 Metropolitan Planning Organizations (MPOs) in North Carolina's urbanized areas. Each MPO is a decision making forum, responsible for developing long range (20-25 years) transportation plans and identifying project priorities for funding.

The urban transportation planning requirements are administered by the Transportation Planning Branch of NCDOT with the approval of Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) of the United States Department of Transportation (USDOT).

4. Transportation Conformity

Section 176(c) of the Clean Air Act (CAA) as Amended requires that transportation plans, programs and projects in non attainment areas not cause or contribute to violations of the National Ambient Air Quality Standards (NAAQS). Pursuant to Clean Air Amendments, Environmental Protection Agency (EPA) is required to set National Ambient Air Quality Standards (NAAQS) sufficient to protect the public health with an adequate margin of safety. In 1997, EPA revised the NAAQS for ozone from 0.12 parts per million (ppm) measured over 1 hour intervals (the 1 hour standard) to 0.08 ppm measured over 8 hour intervals (the 8 hour standard) in order to reflect the best scientific evidence available on the public health effects of ozone. Implementation of 8 hour standard was delayed, however, by several years of litigation, culminating in the supreme court ruling, in *Whitman v. American Trucking Association*, which upheld the 8 hour standard and determined that the CAA allows only consideration of public health effects, and not cost, in setting NAAQS.

Based on recent air quality monitoring data and EPA's guidance for implementing the ozone and fine particulate matter standards, more than 30 North Carolina counties can be declared as non-attainment for ozone, fine particulate matter, or both pollutants by the end of 2004. Many of these counties are rural and subject to air quality conformity.

The conformity process for isolated rural counties and "doughnut areas" (areas outside the MPOs but within the non-attainment region), will depend on EPA's guidelines expected to be released by April 2004. However, a process similar to the process used for a recent conformity determination in Davidson County meets the general requirements of transportation conformity for rural areas:

- In the absence of a traditional long range transportation plan we can assume that the portion of the state's transportation improvement program containing projects for the county of interest is the transportation plan for the county. The NC Board of Transportation adopts the transportation plan.

- If a four-step travel demand model is available for the county the NCDOT's RPO coordinator will use the travel demand model to estimate VMT, speed, and emissions otherwise use the rural conformity spreadsheet and HPMS data to estimate VMT, Speed and Emissions. The coordinator will prepare the conformity report.
- The RPO will adopt the resolution finding the Transportation plan and STIP in conformity with the State Implementation Plan *.

* Transportation conformity is a federal process. At this time, RPOs have no federal standing. The RPOs can be authorized to approve the conforming transportation plan by means of a Memorandum of Agreement (MOA).

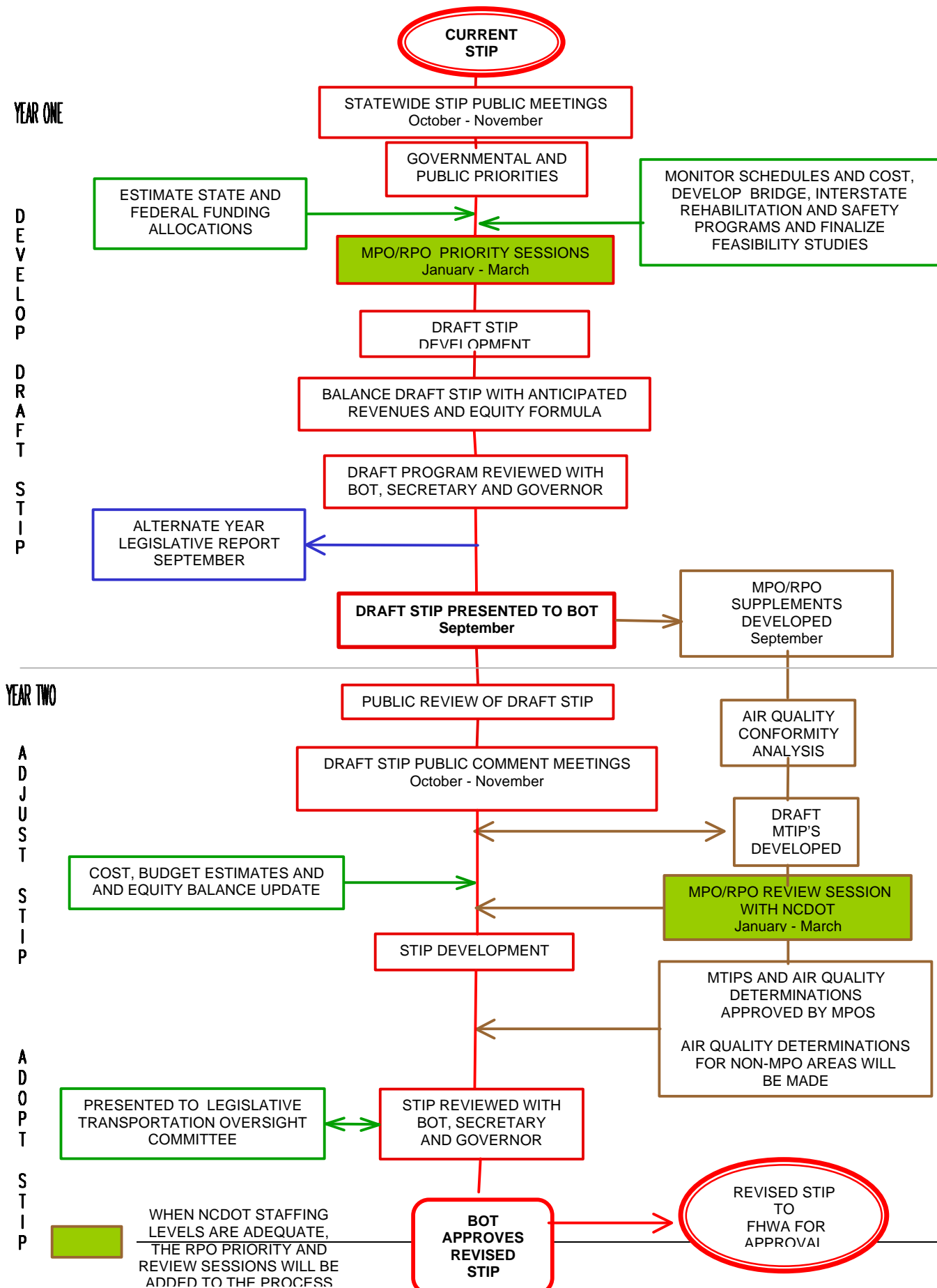
Consultation in Program Development and TIP

1. Funding, Programming and TIP

It is important that North Carolina's Statewide Transportation Improvement Program (STIP) and each RPO realistically recognize the likely funding levels from all sources that will be available to implement the transportation plan. Since the project requests will far exceed available revenues, it is important that the RPOs have a method to compare projects objectively in developing a financial constrained transportation plan. It is important that early development and acceptance of criteria be established so that all projects are assessed in a consistent manner. However, it is also important for these criteria to be somewhat general in nature so that they have the ability to relate across all modes of travel. RPOs may develop a ranking system that reflects their values and needs. The ranking of the proposed projects should be in relation to how they best meet the objectives of the region.

The following chart details the Biennial STIP Update Process. When NCDOT staffing levels are adequate, RPOs will have priority/review sessions similar to the meetings currently held with the MPOs. The purpose of the meeting will be to update the RPOs on the general funding situation and to provide them with any changes that have occurred to projects within their region. In addition, this will give the RPO an opportunity to discuss issues relating to the TIP with NCDOT staff as well as keep the department informed of regional priorities.

BIENNIAL STIP UPDATE PROCESS



North Carolina's Rural Consultation Process
January, 2004

Opportunities for local official's involvement in the TIP process:

♦ indicates local official and/or public participation opportunities

- " Local governments/RPO select priorities to include in TIP
- " BOT holds biennial statewide public meetings to update the previous TIP
- Transcribe comments and material received at public meetings, and submit to BOT
- Transportation Board members work with NCDOT staff to update TIP
- ♦Release draft TIP to the press, public and governments/RPOs for review
- Finalize TIP following comments
- Board of Transportation adopts state TIP
- ♦Metropolitan Planning Organizations receive public comment and approve local TIP
- Secretary of Transportation approves local TIP

Consultation in Project Development Process

1. Local Planning Organization (LPO) Partnership Procedure

The next phase of plan implementation is the project planning stage that deals with individual projects. "*Local Planning Partnership in the Project Development Process*" is the title of the documented process developed by NC DOT and in cooperation with the MPOs and RPOs intended to specifically address the involvement and role of the Local Planning Organizations (Refers to MPOs and RPOs) in the highway project development process.

Merger 01 Guidelines details the role of the Merger Team for projects that follow the merger process. MPOs are a part of the merger process and RPOs currently have an advisory role. As such, both MPOs and RPOs will be invited to attend the meetings that are part of the NEPA process.

2. Merger 01 Process

The Merger 01 Process has been developed to improve the current method of advancing highway projects through the environmental and regulatory process. Merger 01 re-establishes that MPOs are full members of the Merger Team with the responsibility to fully share information and sign concurrence forms at critical points in project development. Merger 01 further indicates that RPOs will initially act as advisors in the process with full membership on the merger team to follow. The LPO indicates its intent to participate by signing the required resolution.

Opportunities for local official's involvement in the project planning process:

♦ indicates local official and/or public participation opportunities

Notify Public and Local Government Agencies of Project Study

- ♦ Hold citizen information workshops
- Evaluate comments received at workshops
- ♦ Form citizen's advisory group to enhance local involvement (upon local request)

Select corridors to be studied

- Identify feasible corridors that meet purpose and need and evaluate costs and environmental impacts
- ♦ Hold information workshop on selected study corridors
- NCDOT staff uses recommendations and input from local citizens, local government officials and state agencies to prepare a draft Environmental Impact Statement (EIS) or Environmental Assessment (EA)

Prepare Draft Environmental Document

- ♦ Prepare draft EIS or EA, which addresses the impacts of each study corridor, available to public and send to review agencies and local officials for comment
- ♦ Hold public hearing on selection of preferred corridor
- ♦ NCDOT holds post hearing meeting with environmental agencies and a corridor is recommended using technical data and information received in conjunction with the public hearing
- ♦ Notify public and RPOs/local officials of selected corridor

Prepare Final Environmental Document

- Begin preliminary design of highway in selected corridor
- If final EIS/Finding of No Significant Impact (FONSI) required, send to State Clearinghouse (N.C. Dept of Administration) and federal agencies for 30-day comment period
- Send notification of Final EIS to Review Agencies and Federal Register
- Publish record of decision on preliminary design using comments from public, review agencies and the FHWA
- ♦ Hold public hearing on project design (10-day public comment period follows public hearing)
- ♦ Hold post hearing meeting where any changes in design are made if necessary.

Information sharing

The RPOs share information in a number of ways:

- **Quarterly RPO planner meetings:** The RPO planners meet on a quarterly basis. These meetings allow the planners receive reports from DOT on various projects, initiatives and issues. The meetings also allow the RPO planners to share information on their respective issues, projects, initiatives, etc. By meeting quarterly the RPO planners have become better acquainted with their peers. In doing so, an environment of sharing has been developed and nurtured whereby RPO planners are more likely to contact their peers for help with particular work tasks, etc.
- **Regional Planning Listserv:** NCDOT has created a regional planning listserv to help facilitate communication between NCDOT, the MPOs and the RPOs
- **RPO listserv:** An email listserv is maintained by the High Country RPO. This is a tool whereby subscribers can post messages to disseminate information or post queries and very quickly get a variety of responses from other subscribers.
- **Websites:** Many websites are very useful for information sharing. Some of these are :

NCDOT	www.ncdot.org
Texas DOT	http://www.dot.state.tx.us/othertrans/othertrans.htm
NADO	www.nado.org
ITRE	www.itre.ncsu.edu
FHWA	www.fhwa.dot.org

NCDOT's website also has a link to information on a study on the establishment of RPOs that was prepared several years ago. That web address is:

<http://www.ncdot.org/planning/rpo/>

The Texas DOT site has links to many other transportation-related websites. Also, some RPOs are in the process of posting RPO information on their LRO's website.

- **RPO to RPO/MPO Coordination**

RPO planners meet with their peers from adjacent RPOs & MPOs on a periodic basis to discuss issues and projects that impact their respective transportation planning jurisdictions.

Evaluation of the Rural Consultation Process

The North Carolina Department of Transportation periodically will conduct surveys similar to the survey included in Appendix A of this report. The survey will be intended to solicit comments from non-metropolitan local officials and other interested parties for a period of not less than 60 days regarding the effectiveness of this consultation process. A specific request for comments shall be directed to NC League of Municipalities, NC Association of Counties, and NC Council of Governments (COGs).

North Carolina Department of Transportation shall review all comments and if a proposed modification is not adopted, The Department will make publicly available its reason for not accepting the proposed modification.

Appendices

Appendix A

SURVEY

The following letter and the survey were sent to 100 randomly selected rural public officials. 31 public officials responded to the survey and included comments and feedback.

April 29, 2003

To: County/Municipal Official

From: Jamal S. Alavi, P.E.
Statewide Planning Branch

Subject: Rural Consultation Survey

Following the congressional intent of TEA-21, statewide planning regulations found in 23 CFR 450 have been revised and codified. The objective of this revision is to provide an enhanced and clearly defined role for rural elected officials in the statewide transportation planning and programming processes. The progressive changes incorporated in the rule by FHWA take a major step forward in closing the equity gap between urban and rural local officials with regard to participation in the transportation planning process.

The revision provides for enhanced consultation between local officials and the State when performing statewide transportation planning and compiling the state transportation improvement program. To facilitate communication, we have prepared a survey that will help assess the current status of consultation between NCDOT and non-metropolitan areas.

The results of this survey will provide NCDOT with a better understanding of the current effectiveness of non-metropolitan officials' participation in transportation planning and programming. This in turn will provide NCDOT with direction for improving the current consultation process.

Your feedback is very important for improving the consultation process between non-metropolitan areas and NCDOT. Please feel free to make copies of this survey and circulate them to individuals in your organization who would like to participate in this survey.

I can be reached at 919-733-4705 or by email at jalavi@dot.state.nc.us if you have any questions or comments. **Please return the completed surveys by May 9, 2003.** Thank you for your time.

Survey

North Carolina Department of Transportation Statewide Planning Branch

The purpose of this survey is: to obtain the non-metropolitan public officials (small urban and rural areas) assessments of the current communication process offered by NCDOT and to acquire your ideas for improving the current transportation planning process. Your thoughts are very important. Please take the time to answer the questions below and **reply by May 9, 2003.**

(1) Overall, describe your current level of involvement in transportation planning?

- a. high involvement ☐ b. some involvement ☐ c. low involvement ☐ d. no involvement ☐

What is your current involvement in transportation planning?

(2) Overall, how would you rate the existing planning information/material you are provided with to make informed decisions impacting rural transportation?

- a. excellent ☐ b. good ☐ c. fair ☐ d. poor ☐

Do you have any suggestions?

(3) Overall, how would you rate NCDOT's current communication process for transportation issues?

- a. excellent ☐ b. good ☐ c. fair ☐ d. poor ☐

What methods of communication would strengthen the consultation process?

(4) How would you describe the effectiveness (influencing decisions) of your public involvement process?

- a. excellent ☐ b. good ☐ c. fair ☐ d. poor ☐

Which public forum has generated the most significant involvement? (e.g., public meeting, internet)

(5) How would you describe the communication and coordination between your neighboring MPOs and RPOs?

a. excellent ☐ b. good ☐ c. fair ☐ d. poor ☐

How would you improve the coordination?

(6) How would you describe the effectiveness of your area's involvement with decisions regarding projects on the Transportation Improvement Program (TIP)?

a. excellent ☐ b. good ☐ c. fair ☐ d. poor ☐

Any suggestions on how this process could be improved?

(7) Are there any other transportation issues facing the non-metropolitan areas today that have not been identified in this survey? Please list them and rank their priority (1) high to (5) low.

- (1).

- (2).

- (3).

- (4).

- (5).

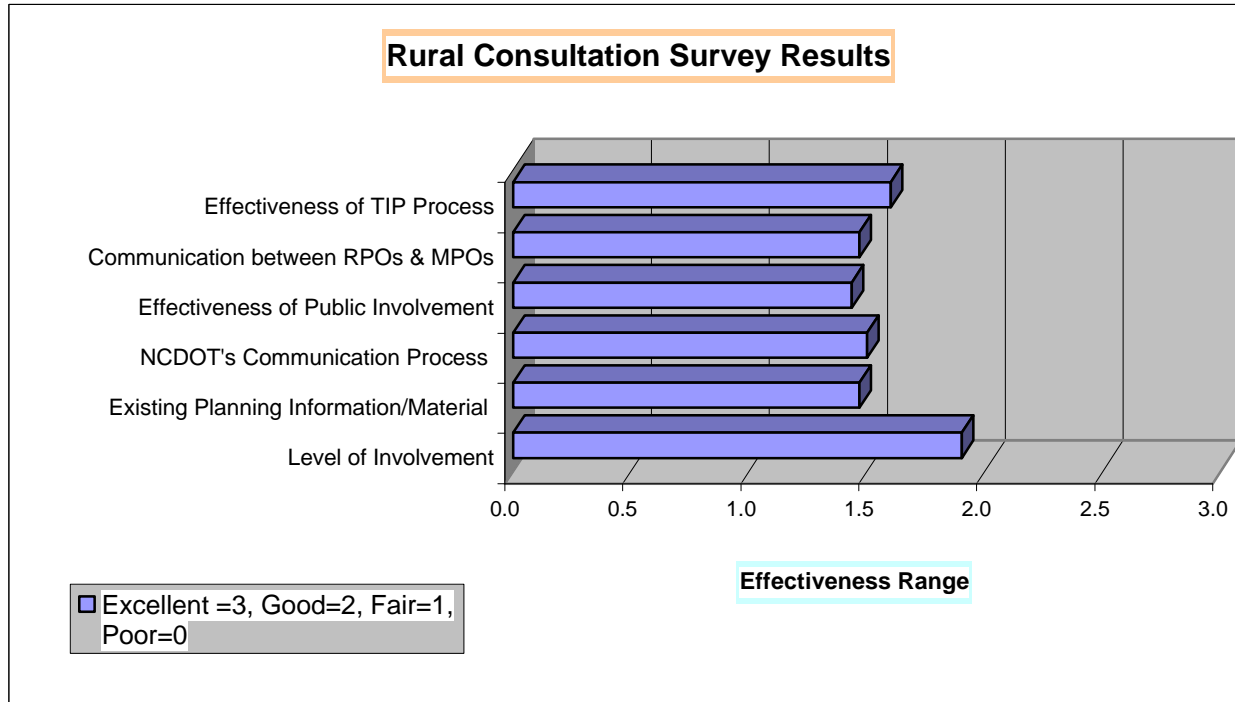
THANK YOU FOR YOUR TIME AND INPUT

Please reply by email to : Jalavi@dot.state.nc.us

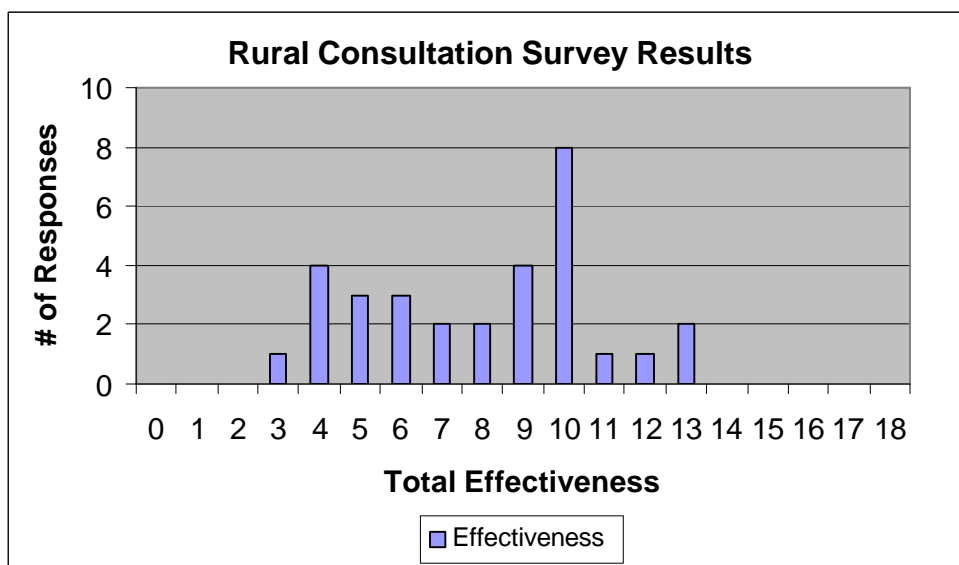
Mail or Fax as follows:

Jamal Alavi, P.E.
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Survey Results



The above Bar Chart shows the effectiveness of current consultation process for each category as perceived by local officials. Effectiveness scores of below 2.0 (fair or below good) indicate that the rural officials are marginally satisfied with the current consultation process. Our goal should be to enhance the effectiveness of our consultation process (scores of good or excellent for our consultation process and its effectiveness, range from 2.0 – 3.0).



The above Bar Chart shows the total effectiveness (0 is the least and 18 is the highest and most effective) of current consultation process as perceived by rural local officials. The chart also shows how many respondents scored each specific rating (from 0 to 18). The chart indicates that only 4 respondents scored higher than 10 while 27 scored 10 or below. Again, this is an indication that majority of respondents do not perceive that the current consultation process is highly effective. Our goal for future survey scores should be between 10 to 18.

Appendix B

Laws and Regulations Governing Rural Consultation

Federal Rule/Compliance on Rural Consultation

On January 15, 2003, the U.S. Department of Transportation's Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) clarified the role of rural local officials in the statewide transportation planning process through the issuance of a new final rule on Statewide and Metropolitan Transportation Planning. This final rule, which became effective February 24, 2003, amends the 1993 joint planning regulations. States are required to create and document a process, separate and discreet from the public involvement process, to consult with non-metropolitan local officials and provide for their participation in statewide transportation planning and programming.

This action followed a joint effort by officials from the American Association of State Highway and Transportation Officials (AASHTO), the National Association of Counties (NACO) and the National Association of Development Organizations (NADO) to meet the concerns of state and local officials. The final rule includes provisions regarding consultation with rural local officials, intended by FHWA to implement their interpretation of provisions in the 1998 Transportation Equity Act for the 21st Century (TEA-21). The joint work of the above named organizations helped the new rule resolve concerns that have been raised and left unclear for several years. The revised provisions in the final rule include the following:

Section 450.104 Definitions

Consultation means that one party confers with another identified party in accordance with an established process and, prior to taking action(s), considers that party's views and periodically informs that party about action(s) taken.

Non-metropolitan area means the geographic area outside designated metropolitan planning areas, as designated under 23 U.S.C. 134 and 49 U.S.C. 5303.

Non-metropolitan local official means elected and appointed officials of general purpose local government in non-metropolitan areas with jurisdiction/responsibility for transportation.

Section 450.206 Statewide transportation planning provisions: General Requirements

States are required to consider coordination with planning activities in non-metropolitan areas. Also under this section, states shall consider, with respect to non-metropolitan areas, the concerns of local elected officials representing units of general purpose local government.

Section 450.212 Public Involvement

With regard to non-metropolitan local officials, the states shall have a documented process(es) that is separate and discrete from the public involvement process that provides an opportunity for their participation.

A new subpart 450.212(i) requires states to review and solicit comments from non-metropolitan local officials and other interested parties for a period of not less than 60 days regarding the effectiveness of the consultation process and proposed modifications within 2 years of process implementation, and thereafter at least once every 5 years. A specific request for comments shall be directed to the state association of counties, state municipal league, regional planning agencies, or directly to non-metropolitan local officials.

Each state, at its discretion, shall be responsible for determining whether to adopt proposed modifications. If a proposed modification is not adopted, the state shall make publicly available its reasons for not accepting the proposed modification, including notification to non-metropolitan local officials or their associations.

Section 450.214 Statewide transportation plan

In developing the statewide transportation plan, affected local officials with responsibility for transportation shall be involved on a consultation basis for the portions of the plan in non-metropolitan areas of the State.

North Carolina's RPO Legislation

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SENATE BILL 1195
RATIFIED BILL

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION, IN COOPERATION WITH LOCAL ELECTED OFFICIALS, TO ESTABLISH RURAL TRANSPORTATION PLANNING ORGANIZATIONS TO PLAN RURAL TRANSPORTATION SYSTEMS AND TO ADVISE THE DEPARTMENT ON RURAL TRANSPORTATION POLICY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-18 is amended by adding a new subdivision to read:

"(35) To establish rural planning organizations, as provided in Article 17 of this Chapter."

Section 2. Chapter 136 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 17. "Rural Transportation Planning Organizations."

"§ 136-210. Definitions. As used in this Article, 'Rural Transportation Planning Organization' means a voluntary organization of local elected officials or their designees and representatives of local transportation systems formed by a memorandum of understanding with the Department of Transportation to work cooperatively with the Department to plan rural transportation systems and to advise the Department on rural transportation policy."

"§ 136-211. Department authorized to establish Rural Transportation Planning Organizations."

(a) Authorization. -- The Department of Transportation is authorized to form Rural Transportation Planning Organizations."

(b) Area Represented. -- Rural Transportation Planning Organizations shall include representatives from contiguous areas in three to fifteen counties, with a total population of the entire area represented of at least 50,000 persons according to the latest population estimate of the Office of State Planning. Areas already included in a Metropolitan Planning Organization shall not be included in the area represented by a Rural Transportation Planning Organization."

(c) Membership. -- The Rural Transportation Planning Organization shall consist of local elected officials or their designees and representatives of local transportation systems in the area as agreed to by all parties in a memorandum of understanding."

(d) Formation; Memorandum of Understanding. -- The Department shall notify local elected officials and representatives of local transportation systems around the State of the opportunity to form Rural Transportation Planning Organizations. The Department shall work cooperatively with interested local elected officials, their designees, and representatives of local transportation systems to develop a proposed area, membership, functions, and responsibilities of a Rural Transportation Planning Organization. The agreement of all parties shall be included in a memorandum of understanding approved by the membership of a proposed Rural Transportation Planning Organization and the Secretary of the Department of Transportation."

"§ 136-212. Duties of Rural Transportation Planning Organizations. The duties of a Rural Transportation Planning Organization shall include, but not be limited to:

- (1) Developing, in cooperation with the Department, long-range local and regional multimodal transportation plans.
- (2) Providing a forum for public participation in the transportation planning process.
- (3) Developing and prioritizing suggestions for transportation projects the organization believes should be included in the State's Transportation Improvement Program.
- (4) Providing transportation-related information to local governments and other interested organizations and persons.

"§ 136-213. Administration and staff.

(a) Administrative Entity. -- Each Rural Transportation Planning Organization, working in cooperation with the Department, shall select an appropriate administrative entity for the organization. Eligible administrative entities include, but are not limited to, regional economic development agencies, regional councils of government, chambers of commerce, and local governments.

(b) Professional Staff. -- The Department, each Rural Transportation Planning Organization, and any adjacent Metropolitan Planning Organization shall cooperatively determine the appropriate professional planning staff needs of the organization.

(c) Funding. -- If funds are appropriated for that purpose, the Department may make grants to Rural Transportation Planning Organizations for professional planning staff. The members of the Rural Transportation Planning Organization shall contribute at least twenty percent (20%) of the cost of any staff resources employed by the organization. The Department may make additional planning grants to economically distressed counties, as designated by the North Carolina Department of Commerce."

Section 3. Nothing in this act shall require the General Assembly to appropriate funds to implement it. Neither the Department of Transportation nor the General Assembly shall reallocate any road maintenance funds to implement this act.

Section 4. The Department shall report to the Joint Legislative Transportation Oversight Committee on the implementation of this act on or before December 1, 2000.

Section 5. This act becomes effective July 1, 2000. In the General Assembly read three times and ratified this the 6th day of July, 2000.